

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JEFFREY BROWN,  
Plaintiff,

vs.

MARRIOTT INTERNATIONAL, INC.  
Defendant.

)  
)  
)  
)  
)  
)

CIVIL ACTION NO.

04 10849 RCL

**MARRIOTT INTERNATIONAL, INC.'S  
ANSWER AND JURY DEMAND**

Marriott International, Inc. ("Marriott") answers the plaintiff's complaint as follows:

Parties

1. Marriott lacks sufficient knowledge and information to admit or deny the allegations in paragraph 1.
2. Denied.

Background Allegations

- 3-4. Marriott lacks sufficient knowledge and information to admit or deny the allegations in paragraphs 3 and 4.
- 5-6. Denied.

Count I

The allegations contained in Count I are Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

This Court is not the proper venue for the plaintiff's claim.

**SECOND AFFIRMATIVE DEFENSE**

The plaintiff's Complaint is barred by insufficient service and/or service of process.

**THIRD AFFIRMATIVE DEFENSE**

The plaintiff's Complaint fails to state a claim upon which relief can be granted against Marriott.

**FOURTH AFFIRMATIVE DEFENSE**

The plaintiff is barred from recovery in whole or in part on any theory of negligence because of his own negligence.

**FIFTH AFFIRMATIVE DEFENSE**

The plaintiff is barred from any recovery because his alleged injuries and damages were caused by the acts or omissions of third persons over whom Marriott exercised no control and for whose conduct Marriott bears no responsibility.

**SIXTH AFFIRMATIVE DEFENSE**

The plaintiff is barred from recovery in whole or in part because he failed to mitigate his damages.

**SEVENTH AFFIRMATIVE DEFENSE**

The plaintiff is barred from any recovery because the plaintiff's conduct, considered alone or in conjunction with that of non-parties, was the sole proximate cause of the alleged injuries and damages.

**EIGHTH AFFIRMATIVE DEFENSE**

The plaintiff is barred from recovery because the alleged damages were caused by the intervening and superseding actions of third persons.

**NINTH AFFIRMATIVE DEFENSE**

The Complaint should be dismissed because the plaintiff did not give Marriott proper or adequate notice of the event, causing substantial prejudice.

**TENTH AFFIRMATIVE DEFENSE**

The Complaint is barred by the applicable statute of limitations.

**JURY DEMAND**

Marriott demands a trial by jury on all issues.

**MARRIOTT INTERNATIONAL, INC.  
By its attorneys,  
CAMPBELL CAMPBELL EDWARDS  
& CONROY,  
PROFESSIONAL CORPORATION**

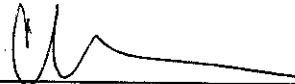


James M. Campbell (BBO# 541882)  
Christopher A. Callanan (BBO# 630649)  
One Constitution Plaza  
Boston, MA 02110  
(617) 241-3000

**CERTIFICATE OF SERVICE**

I certify that on 4.29.04, a true copy of the above document was sent by first class mail, postage prepaid to all attorneys of record:

Charles W. Goddard  
Goddard Scuteri & Delaney  
27 Congress Street  
Salem, MA



Christopher A. Callanan